

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

12 Cr. 584 (JGK)

RANA KHANDAKAR AND USAWAN SAELIM,

ORDER

Defendants.

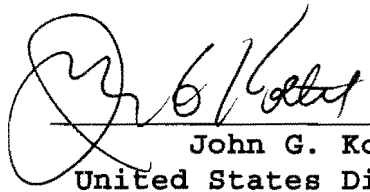
JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the defendant, Rana Khandakar, which the Court forwards to counsel for all parties. Defense counsel should instruct the defendant not to send letters to the Court except through counsel.

The defendant seeks fair bail, but the Court has already set a fair bail package for the defendant that the defendant should, in fact, be able to satisfy. The only reason that the Court has not set a bail package for the co-defendant, Usawan Saelim, is that the Court was not presented with a current bail package by that defendant and at the last conference defense counsel did not ask the Court to set a bail package at this time. The Court remains available for a bail application by defendant Saelim at any time. No further action is called for on the basis of the attached letter.

SO ORDERED.

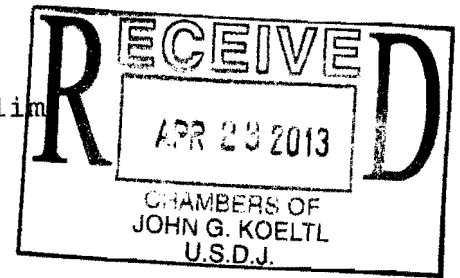
Dated: New York, New York
April 23, 2013



John G. Koeltl
United States District Judge

The Honorable John G. Koeltl
United States District Judge
500 Pearl Street
New York, New York 10007

Re: United State v. Rana Khandakar & Usawan Saelim
No. 12-cr-584 (JGK)



Dear Judge Koeltl:

My name is Rana Khandakar, I am one of the defendant in this case. I am writing this letter in regards to myself and my co-defendant Usawan Saelim's bail hearing.

After months of failed negotiations with the government, Usawan Saelim, I and our families requesting you to set fair bail conditions.

Our bail was initially denied by magistrate judge honorable Henry B. Pitman. At that time, this case was fairly new and the government claimed the case was still being investigated. I would like to bring few key issues to your attention that might have swayed judge Henry B. Pitman to detain myself and Usawan Saelim.

In this letter I'll be referring to transcript from March 30, 2012 Bail hearing held before Honorable Henry B. Pitman.

RANA KHANDAKAR:

Honorable judge Koeltl, prosecution mentioned I have spent substantial amount of my childhood in Bangladesh. I was only 8 years old when I migrated to United State along with my mother. At 28, I have spent 20 years of my adult life in United State. I have friends, family and all my loved ones are here. I might have born in a country thousands of miles away but the only country I consider as home is United States of America. Your honor AUSA Mr. Pastore mentioned I have spent a substantial portion of my life in Bangladesh (Tr. P.9 Line 1-5). If 8 years of childhood is substantial, then what will we say about ~~pat~~ 20 years of adult life in the United States?

USAWAN SAELIM:

Usawan Saelim my co-defendant came to United State in 2003, she been residing in the country for more than ten years. Currently she is a Permanent Resident with a valid Green Card. Here, Saelim have all the people that means most to her, her mother, thirteen years old sister and step-father. Back in Thailand she have a sick grandmother. Since a child she was raised by her grandparents. Saelim's grandfather has passed away in 2007, to attend his funeral, in 2007 she traveled to Thailand. She have more significant ties to United State than Thailand. Saelim and I been together for more than 6 years and our families are very strong and close as well. All the people

that Saelim loves and cares for are here as well.

SAELIM'S TRAVELING ISSUE:

I want to explain and highlight few important details in respect to Saelim's traveling and statements made to pretrial services.

Pretrial Services asked Saelim how many times she traveled outside United States? They did not asked, how many times she traveled outside Thailand? In response to their question, Saelim answered, three times (Tr. P.17 Line 2-5). The government claims she lied, because of departure stamps in her passport from Thailand to other destination. It shows she departure Thailand six times since 2007 till 2009 (Tr. P.17 Line 7-9). As you can examine in her passport, those stamps are accurate. We are not denying that. Our issue is, pretrial services did not ask how many times she been outside of Thailand? The question was "how many times she traveled outside United States, since 2007?" She answered pretrial services "three times", she answered that accurately, truthfully and honestly. I also want to briefly explain the reason for many departure stamp in her passport. In 2007 I have traveled to Thailand to see Saelim and meet her family. Me being first time in Thailand, we went sight seeing in Thailand and neighboring country Cambodia (judge you could examine my passport with Saelim's and match the dates), another reason for our traveling was to extend my visa. Because I am a United State citizen, my visa to stay in Thailand expires after certain days. AUSA Mr. James J. Pastore, Jr. admits to not knowing great deal of geography, (Tr. P.21 Line 18,19,21) as this is a geographical matter, because these traveling occur in between bordering countries of Thailand and Cambodia. After On May 02, 2008 Saelim and I together came back to United State (you can examine our passports to verify).

Judge Koeltl I want to bring to your attention very important point regarding these traveling. All these travelings occurred before the time the indictment charging us of these offenses. The indictment charges us from November 2008, Saelim and I came back to United State on May 02, 2008. Since 2008, Saelim traveled to Thailand once in 2009. During these traveling, except Saelim's 2009 trip, these fraud was non-existent. Prosecution stated "traveling to Thailand is expensive, it just underscores how many, how much of the fraud proceeds the defendant enjoyed. Indeed" (Tr. P.17 Line 16-18). This statement is inaccurate as these traveling occurred prior of November 2008 as the indictment charged. If the crime never existed, how can we or anyone enjoy the proceeds from the fraud? Judge Henry B. Pitman greatly focused on these traveling dates (Tr. P.17 Line 19-23). AUSA Mr. Pastore mentioned traveling to Thailand is expensive, traveling to Thailand round trip cost approximately \$800-\$1100 and living cost in third world country such as Thailand is very affordable and cheap. Again these traveling occurred before this fraud was committed.

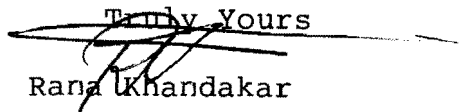
Another issue I want to raise to your honor is, regarding the statement Saelim made to pretrial services regarding my employment as day-trader (online stock trader). This seemed to be one of the critical matter for judge Henry B. Pitman for

detaining Saelim (Tr. P.25 Line 13-15). Government infer that Saelim lied regarding my employment, far as her knowledge, Saelim truthfully told pretrial services that I am a day trader (online stock trader). As government stated in the indictment, there were few accounts with E*TRADE (brokerage account for online stock trading) (Tr. P.19 Line 14-15), with E*TRADE account anyone can buy and sell stocks via internet without leaving their home.

FINGERPRINT MATCH:

Judge I also quickly want to mention that the fingerprint that was tested for Saelim did not match in any of the fraud materials. (Tr. P.5 Line 19-22).

In conclusion Honorable Judge Koeltl, there are lots of wrong and inaccurate inferences are being drawn by the government. One of the main argument on March 30, 2012 bail hearing before magistrate judge Pitman was, substantial assets "not un-covered" (Tr. P.9 Line 8, 12-13) as judge Pitman said "the risk of nonappearance is also aggravated by the probability that there are other assets out there that the government hasn't located yet" (Tr. P.15 Line 15-16). This statement and claim by the government was made more than a year ago. Judgd, the government repeatedly claiming "the government hasn't yet un-covered the defendants asset". It's been more than a year now, where is the assets that the government is repeatedly claiming? Honorable judge Koeltl, Saelim and I are being detained more than a year. With respect to this letter, considering all the factors including our family support and both families financial ability, also taking consideration of our criminal history, your honor we understand the seriousness of the charges and because it is not a crime of violence, I am respectfully requesting you to give us the equal chance to prepare for our defense. We are requesting you to set a fair bail amount/condition. Judge, cases that are tremendous in economic losses received bail. In ENRON case every defendant received bail, in Bernie Madeoff fraud case he also received bail. Bernie Madeoff case was one of the biggest fraud case in the history, it exceeded losses in billions. Many cases within 2nd circuit received bail. AUSA Mr. Pastore is asking for bail amount which is excessive and more than necessary. Judge even when you mentioned our charges are bail-able offense, still we are unable to come to an agreement with the AUSA. Your honor you have seen many cases, you have seen whats right and wrong, true and lies, honest and dishonest, fair and unfair. Government asking bail package is unfair and un-reasonable and excessive, it is a tactic the government is using to gain advantage over the case. Honorable Judge Koeltl we are un-fairly being detained in Metropolitan correctional center, you are the only one that can give and provide and make the right, fair decision.

Truly Yours

 Rana Khandakar